

United States District Court

JAN 20 2015

SOUTHERN

DISTRICT OF

TEXAS

David J. Bradley, Clerk

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Ervin Napoleon Rosales-Garcia

A200 234 183

Case Number: M-15-0058-M

AKA:

IAE

YOB:

1983

Guatemala

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about January 18, 2015 in Hidalgo County, inthe Southern District of Texas

(Track Statutory Language of Offense)

being then and there an alien who had previously been deported from the United States to Guatemala in pursuance of law, and thereafter was found near Hidalgo, Texas, within the Southern District of Texas, the Attorney General of the United States and/or the Secretary of Homeland Security, not theretofore having consented to a reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326 (Felony)

I further state that I am a(n) Senior Patrol Agent and that this complaint is based on the following facts:

Ervin Napoleon Rosales-Garcia was encountered by Border Patrol Agents near Hidalgo, Texas on January 18, 2015. The investigating agent established that the Defendant was an undocumented alien and requested record checks. The Defendant claims to have illegally entered the United States on January 18, 2015, near Hidalgo, Texas. Record checks revealed the Defendant was formally Deported/Excluded from the United States on February 21, 2013, through New Orleans, Louisiana. Prior to Deportation/Exclusion the Defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. On May 17, 2012, the defendant was convicted of Rape/2nd Degree/Att and sentenced to ten (10) years confinement and five (5) months probation.

Continued on the attached sheet and made a part of this complaint:

Approved
Joseph Leonard

Sworn to before me and subscribed in my presence,

January 20, 2015

8:52 am

☐ Yes ☒ No

Signature of Complainant

Michael Chandler

Senior Patrol Agent

Peter E. Ormsby, U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer